

November 13, 1984

(Certified No. 488274)

Mr. R. H. Johnson  
Refinery Manager  
Sinclair Oil Corporation  
P. O. Box 970  
Tulsa, Oklahoma 74101

OK 1686

*Sinclair Oil Co. Tulsa, OK*  
*602 970 7500*

Re: Determination on Sinclair's Claim of Confidentiality  
for CERCLA Materials (40 C.F.R. §2.205(d)(1))

Dear Mr. Johnson:

On September 26, 1984, EPA Region 6 provided a formal notice by letter entitled "Pending Confidentiality Determination on Sinclair Oil's Claim of Business Confidentiality (CERCLA Information)" in accordance with 40 C.F.R. §2.204(e) that EPA Region 6 was examining site inspection materials for which you requested confidential handling to determine whether the information is entitled to confidential treatment. Our letter noted that Sinclair's substantive comments were due "within 15 days of receipt" (received by you on September 28), and that "Failure to comment within that time will be regarded as a waiver of the claim."

We appreciate your telephone conversation of November 9th with Paul M. Witthoeft, Assistant Regional Counsel, informing us that you had received our notice and had elected not to respond.

This letter is our "Determination" in accordance with 40 C.F.R. §2.205(d)(1) and (i) that (a) Sinclair has waived its claim of business confidentiality for the referenced material received in 1984, (b) the information is subject to no other claims and is not entitled to confidential treatment, and (c) there are no other reasons for exemption from public disclosure under 40 C.F.R. §2.210. We will place the materials into non-confidential files for the referenced hazardous waste site.

Sincerely,

**SIGNED**

Paul Seals  
Regional Counsel

*RS*  
6ORC-G:WITTHOEFT:hs:11-09-84  
BCC to: Read File (6ORC)  
Tony Gardner (6AW-SE)  
Dave Peters (6ES-SH)  
+Contractor File via 6ES-SH

MFR: Spoke to Mr. JOHNSON on 11-09-84 via (918) 584-5025: He had discussed materials (late) with corporate counsel = Salt Lake City. He understood that we would be putting materials [4 pages] into our normal CERCLA files.

---PMW (6ORC-G)  
*RS*

## CONCURRENCES

|     |  |  |  |  |  |  |  |
|-----|--|--|--|--|--|--|--|
| OL  |  |  |  |  |  |  |  |
| AME |  |  |  |  |  |  |  |

488274

**RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)**

|   |   |          |
|---|---|----------|
| SENT TO                                     |   | POSTMARK |
| Mr. R. H. Johnson Refinery                  |   | Aug 15   |
| Sinclair Oil Corporation                    |   | Manager  |
| STREET AND NO.                              |   |          |
| P. O. Box 970                               |   |          |
| Tulsa, Oklahoma 74101                       |   |          |
| P.O., STATE AND ZIP CODE                    |   |          |
| OPTIONAL SERVICES FOR ADDITIONAL FEES       |   |          |
| RETURN<br>RECEIPT<br>SERVICES               | 1. Shows to whom and date delivered .....     | 15¢      |
|   | With restricted delivery .....                | 65¢      |
|   | 2. Shows to whom, date and where delivered .. | 35¢      |
|   | With restricted delivery .....                | 85¢      |
| RESTRICTED DELIVERY .....                   |   | 50¢      |
| SPECIAL DELIVERY (extra fee required) ..... |   |          |

PS Form 3800  
Aug. 1975

**NO INSURANCE COVERAGE PROVIDED—  
NOT FOR INTERNATIONAL MAIL**

(See other side)

☆ GPO : 1975—O-591-452